

Application No.: 10/069,051

2000P08064WOUS  
ROSENBAUMREMARKS/ARGUMENTS***Claim Status***

Currently, Claims 1 – 9 are pending. By this Amendment, Claims 1 – 9 are amended for formal matters.

***Information Disclosure Statement***

As to the IDS, the Examiner states that 37 CFR 1.98(a)(2) requires a legible copy of each cited foreign patent document, and that "It has been placed in the application file, but the information referred to therein has not been considered." Although Applicant believes foreign patent document EP 0 724 490 has been previously submitted, Applicant re-submits this document in form PTO/SB/08a. Further, Applicant submits U.S. Patent No. 5,870,715 which is believed to correspond to EP 0 724 490.

***Specification***

Applicant submits a new abstract in compliance with 37 CFR 1.72(b).

***Claim Objections***

The Examiner objects to Claim 1 because of the abbreviation "no." Claim 1 is amended to refer to "number." Applicant respectfully requests the Examiner to withdraw the objection to Claim 1.

***Claim Rejections – 35 U.S.C. § 112***

The Examiner rejects Claim 6 under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as being indefinite because of the phrase "set time difference is exceeded" and the term "jointly." Claim 6 is amended to define a set time difference between the earliest outward delivery times. If that set time difference is exceeded the articles are not sent jointly to the customer. The articles are sent, but not in one shipment (i.e., not jointly). In view of the foregoing, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph.

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ROSENBAUM***Claim Rejections – 35 U.S.C. § 103***

The Examiner rejects Claims 1 – 9 under 35 U.S.C. § 103(a) as being unpatentable over Stolfo (US 2004/0002903) in view of Tsukuda (U.S. Patent No. 6,085,170). More particularly, the Examiner asserts that Stolfo discloses transferring or forwarding order data from a customer to relevant manufacturers/suppliers of the requested articles, and determining the latest of the earliest possible arrival times of the articles at the dispatch center. Further, the Examiner asserts that Tsukuda teaches the delivery time feature missing in Stolfo. The Examiner concludes that it would have been obvious to one of ordinary skill in the art to modify the delivery system of Stolfo with the delivery time feature of Tsukuda to provide a means for targeting delivery time to the end customer which would in turn improve customer satisfaction. Applicant traverses for the reasons set forth hereinafter.

As the Examiner refers only to customer satisfaction, Applicant would like to draw the Examiner's attention to the fact that the claimed invention not only improves customer satisfaction, but also the handling of the articles, for example, because temporary storage capacities are reduced. (See, e.g., page 2, lines 1-6.) More particularly, the claimed invention is based on the idea of coordinating the outward delivery times from the manufacturers/suppliers, and at the same time including the transport from the respective manufacturer/supplier to the dispatch service as a form of quasi-storage, such that a larger temporary warehouse is no longer needed in order to provide the customer with the ordered articles in a single delivery. (Page 2, lines 8-15.) For that purpose, a common dispatch service is notified of the earliest possible outward delivery times for each of the manufacturers/suppliers. The information is saved there in a database together with the order data and customer details. The latest arrival time of articles at the dispatch center of the dispatch service is determined for this order. The earliest possible delivery time to the customer is then calculated by adding the transport time from the dispatch center to the customer onto the latest arrival time at the dispatch center, and then adding onto this a handling time at the dispatch service. (Page 2, lines 17-32.)

Stolfo discloses various embodiments of an electronic system that enables transactions over a communications network between first and second parties, including ordering of a good and/or delivery of the good and/or payment for the good. (E.g., paragraph 1) The system allows private and personal information to be

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withheld from the second party, and allows the first party to communicate with the second party via the communications network without revealing the user's identity and location or address, so that complete anonymity to the first party vis a vis the second party is provided. (E.g., paragraph 70) Proxy computer and software secure private and personal information specific to the first party or the network device used by the first party with respect to the second party and unauthorized parties. (Paragraph 30, and, e.g., Claim 5)

Hence, Stolfo teaches ways of withholding private and personal information from one party of a transaction. Even shipping instructions provided by Stolfo's proxy system does not include information linked to the anonymous party. (Paragraph 97) For that purpose, a package may be labeled with a code. (Paragraph 216) The proxy system maintains a database that stores transaction data, such as returns and delivery times. (Paragraph 175) The delivery times, however, are not scheduled delivery times for future delivery, but (in view of Stolfo's rather lengthy disclosure) times the delivery actually occurred. Stolfo does not disclose using the logged delivery times for any delivery coordination. That is, Stolfo merely logs past events. Accordingly, Stolfo does not disclose or suggest determining the latest of the earliest possible arrival times, or any other delivery time feature, defined in Claim 1.

Tsukuda discloses a delivery managing system for managing delivery of goods from a distribution center through an agent to a receiver. (Abstract) A distribution server 111 provides delivery schedule information and manages delivery of the goods. (Abstract) In Tsukuda's system, the delivery of the goods is determined by the recipient of the goods that provides a list of scheduled date and time for delivery from the delivery address. (Col. 5, lines 7-14) From this recipient-determined list, the earliest one of the scheduled date and time is obtained. (Col. 5, lines 49-52) Similar to Stolfo, Tsukada logs information of completion of delivery. (Col. 8, lines 35-39).

Hence, Tsukada teaches managing delivery of goods based on the recipient's list of scheduled date and time. Accordingly, Tsukada does not disclose or suggest determining the latest of the earliest possible arrival times of the articles at the dispatch center, the dispatch service notifying each manufacturer/supplier for the order concerned of the outward delivery time to be achieved, and the

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manufacturers/suppliers sending out the ordered articles to the dispatch center at the notified times, and the articles being forwarded jointly to the customer.

In view of the foregoing, Applicant respectfully submits that the cited references to Stolfo and Tsukada, alone or in combination, do not disclose or suggest the method of Claim 1, as amended. More particularly, none of the cited references suggests coordinating the outward delivery times from suppliers, and at the same time including the transport from the respective supplier to the dispatch service as a form of quasi-storage, such that a larger temporary warehouse is no longer needed in order to provide the customer with the ordered articles in a single delivery. As discussed, Stolfo is concerned with withholding personal information from one party of a transaction. There is no need or disclosure of a coordinated delivery. Tsukada, even if viewed as coordinating delivery, teaches delivering goods to a recipient based on the recipient's schedule. There is no disclosure or suggestion of, e.g., determining the latest of the earliest possible arrival times of the articles at the dispatch center, or notifying each supplier for the order concerned of the outward delivery time to be achieved. In fact, it appears that Tsukada merely collects information and coordinates delivery based on that information, but does not notify suppliers. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 103, and to pass Claim 1, as amended, to allowance.

Claims 2 – 9 depend from Claim 1. For this reason and because of the additional features recited in the dependent claims, Applicant respectfully submits that Stolfo and Tsukada do not render Claims 2 – 9 obvious. Applicant respectfully requests the Examiner to pass Claims 2 – 9 to allowance.

#### Conclusion

The present response is intended to correspond with the Revised Amendment Format. Should any part of the present response not be in full compliance with the requirements of the Revised Amendment Format, the Examiner is asked to contact the undersigned for immediate correction.

For the above reasons, Applicant respectfully submits that the application is in condition for allowance, and such allowance is herewith respectfully requested. No new matter has been added.

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Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 502464 referencing attorney docket number 2000P08064WOUS. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Date: 7/12/06

  
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